

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt. 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:

All Actions

**JOINT MOTION FOR ORDER TO SET BRIEFING SCHEDULE AND
REQUEST FOR ORAL ARGUMENT**

The Plaintiffs' Steering Committee (the "PSC") and counsel for the following parties: Saint Thomas Outpatient Neurosurgical Center, LLC, Howell Allen Clinic, a Professional Corporation, John W. Culclasure, MD, Debra V. Schamberg, RN; Specialty Surgery Center, Crossville, PLLC; Kenneth R. Lister, MD; and Kenneth Lister, MD, PC, Saint Thomas Health, Saint Thomas Hospital West f/k/a Saint Thomas Hospital, Saint Thomas Network, Ascension, and Ascension Health (collectively, the "Tennessee Defendants") met and conferred in order to establish a briefing schedule for the Tennessee Defendant's Rule 12 motions to dismiss and the previously filed Motion For Summary Judgment (Dkt. No. 774). As a result of that meet and confer, the parties have agreed to the following briefing schedule:

1. The Tennessee Defendants will complete briefing on their global motions to dismiss on **February 7, 2014**.
2. The PSC will file a Rule 56(d) response to Dkt. No. 774 on **February 21, 2014**.
3. The PSC will file its oppositions to the motions to dismiss filed by the Tennessee Defendants no later than **March 28, 2014**.
4. The Tennessee Defendants will file a reply to the motions to dismiss no later than **May 7, 2014** or 40 days after the PSC files its opposition, whichever is

earlier.

The parties respectfully request that the Court enter the attached order to formalize the above-described briefing schedule.

In addition, pursuant to Local Rule 7.1(d), the parties request that the Court reserve a date for oral argument of the above described dispositive motions. Given that several of the subject motions involve important and complex issues of first impression under Tennessee law, the parties agree that oral argument may assist the Court in deciding those motions.

Dated: February 3, 2014

Respectfully submitted,

/s/ J. Gerard Stranch, IV

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CERTIFICATE OF SERVICE

I, J. Gerard Stranch, IV, hereby certify that I caused a copy of the foregoing to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 3, 2014

/s/ J. Gerard Stranch, IV
J. Gerard Stranch, IV